

Circuit Court for Baltimore City
Case No. 114174011-013

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1154

September Term, 2016

LUCRESHA MINTS

v.

STATE OF MARYLAND

Woodward, C.J.,
Graeff,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 13, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Convicted of first-degree murder, second-degree murder, and first-degree assault following a bench trial in the Circuit Court for Baltimore City, Lucresha Mints, appellant, contends that the trial court erred in convicting her of murder rather than voluntary manslaughter because the evidence established legally adequate provocation as a matter of law. For the reasons that follow, we affirm.

We assume, without deciding, that Mints produced some evidence that she acted in a hot-blooded response to legally adequate provocation when she ran over the victims with her vehicle. However, the fact that Mints met her burden of production does not, as she claims, mean that she “established legally adequate provocation as a matter of law” or that the trial court was required to find her guilty of the lesser included offense of voluntary manslaughter. Instead, the trial court, as the finder of fact, was “free to believe some, all, or none of the evidence [she] presented in support of that defense.” *Sifrit v. State*, 383 Md. 116, 135 (2004).¹

Nor is there any merit to Mints’ claim that the trial court failed to consider whether the murder charges should have been mitigated to voluntary manslaughter. We presume that “the trial judge knows the law and applies it properly.” *Thorton v. State*, 397 Md. 704, 736 (2007). And this presumption in favor of a trial judge is rebuttable only with “proof of clear error by the judge, such as misstating or misapplying the law.” *Mobuary v. State*, 435 Md. 417, 440 (2013).

¹ Mints does not claim there was insufficient evidence to support her convictions.

Here, nothing in the record demonstrates that the trial court failed to consider the defense of provocation. Following closing arguments, Mints asked the trial court to consider the lesser-included offense of voluntary manslaughter and, although the State objected to that request, the court never ruled that it would not consider the charge or that the charge was not supported by the evidence. And although the trial court did not “make a finding as to whether there existed legally adequate provocation to mitigate the charge of first-degree murder to manslaughter” when it rendered the verdict, it was not required to do so. *See* Maryland Rule 4-328 (stating that a circuit court sitting without a jury is not required to state the grounds for its decision when rendering a verdict).

**JUDGMENTS OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**